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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/630,896	08/02/2000	Timothy J. Mousley	PHB 34 , 390	7981
24737	7590	11/17/2004	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			SHAH, CHIRAG G	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/630,896	Applicant(s) MOULSLEY ET AL.	
	Examiner Chirag G Shah	Art Unit 2664	<b>OK</b>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10/08/2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All   b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 15, 18-20, 23-25, 28-30, and 33-34 rejected under 35 U.S.C. 102(a) as being anticipated by Cho et al. (WO 0013426).

Referring to claims 15, 20, 25 and 30, Cho et al discloses in the abstract, figure 12 and claims 1-6 of a radio communication system, comprising a primary station (base station) operable (having means) to transmit a random access channel status message (BCCH) indicating an availability of random access channel resources (Base Station generates a broadcast channel frame at predetermined intervals, which includes status information indicating whether channel codes which are changing in real time are occupied or not as disclosed in the abstract and claim 1); a plurality of secondary stations (mobile stations) operable (means for receiving) to receive the random access channel status message (a mobile stations selects an available channel code based on information from the received broadcast frame as disclosed in the abstract and claims 1-3), wherein each secondary station (at least one secondary) is further operable (means for requesting) to request a random access channel based on the random access channel status message (Cho et al further discloses in the abstract and claims 1-3 that upon selecting an available channel code based the received broadcast channel frame, the mobile station generates

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a channel assignment request message and transmits the channel assignment request message on a random access channel); and wherein the primary station (Base Station) is further operable (having means) to dynamically allocate bit rates (set a transmission rate) to at least one random access channel in response to at least one request (request by a mobile station) for at least one random access channel resource from the plurality of secondary (mobile) stations (Cho et al discloses in the abstract, page 5, lines 5-10, page 10, lines 5-24 along with figures 6 and 12 that upon reception of the channel assignment request message on the random access channel, the base station assigns a channel, set a transmission rate, and transmits the information on a forward access channel) as claim.

Referring to claims, 18, 19, 23, 24, 28, 29, 33 and 34, Cho et al discloses in the abstract, figure 5, 8 and 9 of wherein the random access channel status message is transmitted by the primary station (base station generates a broadcast channel frame, which includes status information indicating whether channel codes which are changing in real time are occupied or not and further more as disclosed in figure 8, the information sent on a BCCH by the base station includes a system parameter, PID, and status information) as a part of a paging indicator channel and an acquisition indicator channel (the frame data of BCCH includes the PID of the mobile station, which implies that the mobile station is paged from the network, the mobile station attempts a channel access and when the mobile station requests the channel assignment for paging, the mobile station NR and AR fields indicating a required assigned band and an additional assigned band respectively are both set to 0 because the mobile station does not know a band for processing traffic, thus indicating that the BCCH is transmitted as a part of paging and a band (rate) acquisition for processing traffic as disclosed in page 11, lines 3-21) as claim.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16, 17, 21, 22, 26, 27, 31, and 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Cho in view of Aftelak et al. (WO 00/07401).

Referring to claims 16, 17, 21, 22, 26, 27, 31, and 32, Cho discloses in the abstract, figures 8, 12, and claims 1-6 of a method characterized by the random access channel status message. Cho fails to disclose of sending a random channel status message indicating which data rates with respect to channel codes and highest data rates available on the random access channel. Aftelak teaches of a communications system wherein base station transmits status information to subscriber units (mobile station). Aftelak discloses on page 8 and 9 of capabilities of the network, where it provides subscriber units where a first channel or cell can support high data rate or low data rate transmission. In addition the status information also provides data rates of multiple capabilities. Thus, indicating the highest data rate available on the random access channel as claim 12. Therefore, it would have been obvious to modify the teachings of Cho to include the teachings of Aftelak in order to provide better user service and reduce channel resource fluctuations in order to efficiently request the rate needed for transmission.

*Response to Arguments*

5. Applicant's arguments filed 4/27/00 have been fully considered but they are not persuasive.

Referring to claims 15, 20, 25, and 30, Applicant acknowledges based on the response filed on 10/08/04 that Cho teaches that the base station dynamically allocates a random access channel having a transmission rate. Applicant argues that Cho et al fails to teach or suggest a "dynamic allocation of the transmission rates to the various random access channels as required by independent claims 15, 20, 25 and 30. Examiner respectfully disagrees for several reasons. First reason is based on the claim language, the respective claims as written are interpreted as the base station receiving (at least) one request from (one) of the plurality of secondary stations. In other words, the claim as interpreted by the Examiner is such that the base station allocates one random access channel since it receives one request from (one) plurality of mobile station for transmission. This limitation is addressed and acknowledged by Applicant since Cho discloses the limitation in the abstract, page 5, lines 5-10, page 10, lines 5-24 along with figures 6 and 12. The second reason is as disclosed in claims 1-3 on page 18 lines 10-26 and on page 19, lines 7-24, a plurality of mobile stations do request for a channel assignment by each mobile station transmitting in a radio frame of 10ms in duration. Furthermore as disclosed on page 17, lines 24 to page 18, lines 7, upon reception of an acknowledgment of the channel assignment from the base station, the mobile station determines the rate of a corresponding channel according to a channel transmission rate included in the acknowledgment, if the mobile station does not receive the acknowledgement within the predetermined time, a contention may have occurred and the

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mobile station may retransmit after a random delay, thus the base station will dynamically be able to provide the mobile station with another random access channel after a random delay when contention is resolved with Acknowledgment having transmission rate included. Thus, a dynamic allocation of the transmission rate to the various random access channels is disclosed upon resolving contentions independently by Cho as required by independent claims 15, 20, 25 and 30. Therefore, the respective claims respectfully remain rejected.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

(703)305-3988, (for formal communications intended for entry)

**Or:**

(703)305-3988 (for informal or draft communications, please label "Proposed" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G Shah whose telephone number is 571-272-3144. The examiner can normally be reached on M-F 6:45 to 4:15, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cgs  
November 4, 2004

  
Ajit Patel  
Primary Examiner